

Application No. 09/678,549  
Amendment dated September 16, 2003  
Reply to Office Action of July 28, 2003

REMARKS

Independent claim 1 calls for forwarding a software package together with a list of addresses to a first processor-based system.

Independent claim 1 was rejected as being obvious over Shepherd taken alone.


The cited prior art does not provide motivation to modify the invention of Shepherd to forward a list of addresses to the first processor-based system. M.P.E.P § 2143.01. ("The prior art must suggest the desirability of the claimed invention.") Here, instead of showing the desirability of the modification from the prior art, the Examiner simply makes up the desirability with the benefit of hindsight reasoning. Absent a rationale to modify from within the cited art, a *prima facie* rejection is not made out.

Independent claims 11 and 21 also distinguish over Shepherd for reasons similar to those set forth above with respect to independent claim 1.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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